

Message Text

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ORIGIN EB-07

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DRAFTED BY EB/IFD/BP:HJWINTER/LSALLAN
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FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE

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E.O. 11652: N/A

TAGS: WIPO, EINV

SUBJECT: NICE DIPLOMATIC CONFERENCE - LANGUAGE QUESTION

FOR DELIVERY TO USDEL - SORENSON, TUESDAY 9:00 AM

REF: (A) WINTER-ALLAN-WILLIAMSON TELCON, MAY 9,
(B) GENEVA 3522, (C) GENEVA 3462, (D) STATE 101615

1. DEPARTMENT AND PATENT OFFICE PLEASED WITH ADOPTION
OF THE STRASBOURG FORMULA WITH RESPECT TO LANGUAGES OF
THE NICE CLASSIFICATION.

2. AS TO LANGUAGES OF THE TREATY, USDEL SHOULD SUPPORT
BUDAPEST FORMULA. IF THERE IS CONSENSUS AMONG GROUP B
COUNTRIES, USDEL MAY AGREE TO FURTHER MODIFICATION PUT
FORWARD INFORMALLY BY THE DG AS EXPLAINED IN PARAGRAPH 4
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OF REFTEL (B).

3. WE ARE OPPOSED TO SOVIET PROPOSAL AS SET FORTH IN
PARAGRAPH 2 OF REFTEL (B). SOVIET PROPOSAL PRESENTS
SERIOUS LEGAL QUESTIONS AS DESCRIBED BY AUSTRIAN
AMBASSADOR. IF A COUNTRY SIGNED FRENCH/ENGLISH TEXTS
BUT NOT RUSSIAN/SPANISH OR VICE VERSA, IT COULD BE ARGUED

THAT THERE WAS NO EVIDENCE OF AGREEMENT BETWEEN THE COUNTRIES WHICH SIGNED ONE TEXT EXCLUSIVELY, AND THOSE WHICH SIGNED ONLY THE OTHER TEXT. DEPENDING ON THE DRAFTING, THE LEGAL EFFECT OF SUCH A TREATY COULD BE HIGHLY UNCERTAIN.

4. SOVIET PROPOSAL WOULD POSSIBLY PRESENT MAJOR ADMINISTRATIVE PROBLEMS IN THAT IT WOULD BURDEN WIPO WITH TASK OF ARRIVING AT RUSSIAN AND SPANISH TEXTS WHICH ARE FULLY ACCEPTABLE TO ALL REPEAT ALL SIGNATORIES. SUCH TASK CAN BE EXTREMELY COMPLICATED AND COSTLY. FOR EXAMPLE, THE 1944 CHICAGO CONVENTION ON INTERNATIONAL AIR SERVICES (ICAO) WAS NEGOTIATED IN ENGLISH BUT CALLED FOR EQUALLY AUTHENTIC TEXTS IN FRENCH AND SPANISH. AGREEMENT ON FRENCH AND SPANISH TEXTS, HOWEVER, REQUIRED 23 YEARS OF SPORADIC NEGOTIATIONS AND A SPECIAL DIPLOMATIC CONFERENCE IN 1968. MORE RECENTLY, THE 1973 ENDANGERED SPECIES CONVENTION WAS SIGNED IN FIVE LANGUAGES: ENGLISH, FRENCH, SPANISH, RUSSIAN AND CHINESE. THE TWO LATTER TEXTS WERE NOT AVAILABLE AT SIGNING AND IT REQUIRED TWO YEARS OF NEGOTIATING AND HUNDREDS OF MAN-HOURS OF WORK BEFORE THE TWO TEXTS COULD BE AGREED UPON.

5. ANOTHER IMPORTANT REASON WHY USDEL SHOULD OPPOSE RUSSIAN AS AUTHENTIC TEXT AT THE NICE CONFERENCE IS THE VIEW OF THE FRG DELEGATE (STEUP), AS EXPRESSED INFORMALLY TO USDEL AND REPORTED IN REFERENCE (A), THAT THE FRG WOULD HAVE EXTREME DIFFICULTY IN SIGNING NICE AGREEMENT IN WHICH RUSSIAN WAS ONE OF THE AUTHENTIC TEXTS.
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6. WE DO NOT REPEAT NOT FAVOR FRENCH AS ONLY AUTHENTIC LANGUAGE OF THE TREATY. WE BELIEVE THIS WOULD BE A STEP BACKWARD IN VIEW OF THE FACT THAT TEXTS OF ALL WIPO TREATIES SINCE LOCARNO CONFERENCE IN 1968 HAVE BEEN ESTABLISHED IN ENGLISH AND FRENCH, EACH BEING EQUALLY AUTHENTIC.

7. BECAUSE OF APPARENT POLITICAL PROBLEM FOR THE FRG DELEGATION WITH RESPECT TO HAVING RUSSIAN AS AUTHENTIC TEXT AND FOR REASON SET FORTH BY DG IN PARAGRAPH 4 OF REFTTEL (B), WE WOULD BE OPPOSED AT THIS TIME TO OPTIONS B AND C IN PARAGRAPH 6 OF REFTTEL B. CHRISTOPHER

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Copy: SINGLE
Sent Date: 09-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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